

ESTTA Tracking number: **ESTTA193430**

Filing date: **02/19/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047342
Party	Defendant Joyce Lopeteguy
Correspondence Address	Dennis B. Haase Law Offices of Dennis B. Haase Post Office Box 6206 Hot Springs, AR 71902 UNITED STATES
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Date	02/19/2008
Attachments	MotDismiss3.pdf (6 pages)(225597 bytes)

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

JOYCE LOPETEGUY
6717 Kimberly Street
Bakersfield, California 93308

Cancellation No. 92047342
Registration No. 1,694,622

Vincent M. Amberly
Litman Law Offices, Ltd.
Post Office Box 15035
Arlington, Virginia 22215

Imagination Holdings Pty. Ltd.

v.

Joyce Lopeteguy

**MOTION OF REGISTRANT FOR DISMISSAL OF PETITION
FOR REPEATED AND PERSISTENT FAILURE TO RESPOND TO DISCOVERY**

COMES NOW, Registrant, Joyce Lopeteguy, and requests that this Cancellation proceeding be dismissed for failure of the Petitioner to respond to discovery requests.

Petitioner, Imagination Holdings Pty. Ltd., filed its Petition for Cancellation on April 3, 2007. A Notice from the Board was mailed on April 6, 2007, setting forth the time frame for Registrant's Answer, as well as discovery and testimony periods. The

discovery period opened on April 26, 2007 and closes on October 23, 2007. In keeping with that schedule, Registrant served a First Set of Interrogatories to Petitioner on June 12, 2007. A copy of those Interrogatories were provided to the Board by a previous motion filed on August 13, 2007.

Having not received a response to the Interrogatories, on July 24, 2007, a letter to counsel for Petitioner, Vincent M. Amberly of the Litman Law Offices, Ltd., was prepared requesting a response not later than August 1, 2007. That letter was sent to counsel by email and by regular mail, and a copy of that communication was attached to Registrant's previous motion. A check was also made of the TTAB website in an effort to determine whether or not Petitioner had filed a request for an extension of time, and no filing was found.

During the last week of November, 2007, counsel in this matter spoke by phone and it was tentatively agreed to extend all discovery deadlines for a period of 60 days, counsel for Petitioner agreeing to prepare the necessary documentation. Counsel for Registrant confirmed that conversation by letter dated December 3, 2007, a copy of which is attached hereto as Exhibit A. Not having received anything from counsel for Petitioner, a followup email was sent to Mr. Amberly on January 7, 2008, with regard to the proposed extension, and a copy of that communication is attached hereto as Exhibit B. Nothing was ever heard from Mr. Amberly.

On January 9, 2008, the Board mailed its order allowing Petitioner 30 days from the date of mailing to provide complete responses to Registrant's interrogatories.

The time for response has now passed and Respondent has received nothing from Petitioner.

The Order of the Board further stated that in the event of Petitioner's failure to provide the responses, that Registrant's remedy would like in a motion for entry of sanctions in the form of entry of judgment dismissing the cancellation proceeding. Registrant respectfully requests that the Board enter judgment dismissing this cancellation proceeding. Further, in view of Petitioner's utter failure and refusal to proceed in this matter, Registrant requests that the Board issue an Order for the payment of attorneys' fees in the sum of \$2,225.00 and costs in the sum of \$118.50 incurred by Registrant in defense of this action.

Dated: February 19, 2008

Respectfully submitted,



Dennis B. Haase
Registration No. 22,037
Post Office Box 6206
Hot Springs, Arkansas 71902
[501] 609-0404
Attorney for Registrant

LAW OFFICES OF

DENNIS B. HAASE

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December 3, 2007

Vincent M. Amberly, Esq.
Litman Law Offices, Ltd.
Post Office Box 15035
Arlington, Virginia 22215

Re: Imagination Holdings Pty. Ltd. v. Joyce Lopeteguy Cancellation

Dear Mr. Amberly:

This will confirm our telephone conversation late last week during the course of which you agreed that you would answer the pending interrogatories. We also agreed to a 60-day extension on all discovery deadlines, including our responses to your requests for admissions. You indicated that you would prepare the necessary documents.

Yours very truly,



Dennis B. Haase

DBH:mh

Maggie Haase

From: Maggie Haase [maagoo10@sbcglobal.net]
Sent: Monday, January 07, 2008 2:11 PM
To: Vincent Amberly (efile@4patent.com)
Subject: Cancellation Proceeding - BUNCO

Dear Mr. Amberly: We are still waiting for the documentation required to extend the deadlines in this matter for an additional 60 day period. Please let us hear from you.

Maggie Haase, RP
Law Offices of Dennis B. Haase
835 Central Avenue, Suite 424
Post Office Box 6206
Hot Springs, Arkansas 71902
501-609-0404

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Registrant For Dismissal Of Petition For Failure To Respond To Discovery Or, In The Alternative, For Sanctions, has been served on counsel for Petitioner on February 19, 2008, by email as follows:

Vincent M. Amberly, Esq. - efile@4patent.com

/s/ Dennis B. Haase

Dennis B. Haase